

**PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Attorney Docket No.: A8275

Johnson CHUNG, et al.

Appln. No.: 10/057,561

Confirmation No.: 4657

Group Art Unit: 1651

Filed: January 29, 2002

Examiner: H. Lilling

For: **MUTANT ACTINOSYNNEMA PRETIOSUM STRAIN WITH INCREASED
MAYTANSINOID PRODUCTION**

STATEMENT OF AVAILABILITY

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

We, IMMUNOGEN, INC., do depose, declare and state that:

We are the Assignee of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on May 28, 2002, at REEL 012938, FRAME 0891.

We agree that upon allowance and issuance of the above-identified application into a United States Patent, restriction on availability of:

***Actinosynnema pretiosum*, assigned ATCC No. PTA-3921**

which is designated in the specification of the above-identified application and was deposited with the American Type Culture Collection, 10801 University Blvd., Manassas Virginia 20110-

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STATEMENT OF AVAILABILITY
U.S. PATENT No. 10/057,561

A8275

2209, on December 11, 2002, will be irrevocably removed, subject to the provisions set forth in 37 C.F.R. §1.808(b).

We agree that the above-identified bacterial strain designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

IMMUNOGEN, INC.

Date:

Jan 28, 2003

Name:

W. Blattler

Name: Walter A. Blattler

Title: Executive Vice President,
Science and Technology



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Bacteria	
ATCC Number: 15005	Order this item Price: \$185.00
Organism:	<i>Delftia acidovorans</i> (den Dooren de Jong) Wen et al. deposited as <i>Pseudomonas desmolytica</i> Gray and Thornton
Designations:	1888 [NCPB 1968; P-13]
Depositors:	R. Hugh History: ATCC<--R. Hugh <--K. Komagata P-13
Biosafety Level:	1 Shipped: freeze-dried
Growth Conditions:	<u>ATCC medium:</u> 3 Nutrient agar (Difco 0001) or nutrient broth (Difco 0003) Temperature: 26.0 C
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References:	5837: J. Gen. Appl. Microbiol. 7: 282, 1961

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